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September 15, 1999

Mr. Rick Breitenbach
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Subject: Comments on CALFED Draft EIS/EIR, dated June 1999

Dear Mr. Breitenbach:

The Municipal Water District of Orange County (MWDOC)¹ staff have reviewed the June 1999 Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and the Program Plan appendices incorporated therein, and have identified a number of deficiencies that make the EIS/EIR inadequate. Specifically, the discussion of impacts identified in the appendices to the EIS/EIR fails to address potential significant indirect environmental impacts of the preferred alternative (14 CCR § 15126.2). The EIS/EIR fails to discuss alternative projects that could eliminate or substantially reduce the significant environmental impacts so mitigation measures could be implemented to reduce the impacts (14 CCR §§ 15126.4 and 15126.6).

The environmental impacts that must be addressed are as follows:

Groundwater Degradation. The Water Quality Program Plan identifies potential degradation of water quality due to CALFED actions of the water that is exported through the State Water Project (SWP) to the State Water Contractors for municipal, agricultural, and groundwater recharge purposes, among other uses. A failure to decrease, or potentially increase, total dissolved solids in water exported from the Delta will have a detrimental impact on groundwater basins where such water is used

¹ Municipal Water District of Orange County is a wholesale water import agency and member of Metropolitan Water District of Southern California. MWDOC represents 27 retail agencies, which serve approximately 2 million people in Orange County. The water resources pool in Orange County includes groundwater and other local supplies, water use efficiency, recycling and import water from the Colorado River and State Water Project (SWP). Currently, MWDOC imports approximately 225,000 acre-feet of water annually, approximately 60,000 acre-feet of which comes from the SWP. By the year 2020, MWDOC anticipates importing approximately 365,000 acre-feet of water.

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for groundwater recharge, which could degrade an important resource. The EIS/EIR must address the potential for groundwater degradation in the evaluation of the significant environmental impacts of the preferred alternative and discuss how the various alternatives to the preferred program would eliminate or reduce the impact on groundwater resources. The EIS/EIR must also discuss mitigation measures which are feasible to reduce or eliminate the potentially significant impact on groundwater quality.

Impairment of Water Quality Impacts on Conservation and Recycling. The Water Quality Program Plan potentially results in lower quality export water from the Delta that could effect conservation and water recycling efforts in areas importing water from the Bay-Delta. To the extent that lower quality source water reduces the feasibility of conservation and recycling programs, there will be an increase in usable wastewater which will be discharged through wastewater outfalls to streams or the ocean. A reduction in recycled water supplies or an increase in the cost of recycled water will result in a higher demand for source water to replace those supplies, including overproduction from groundwater basins, and greater diversions from other water sources. The Draft EIS/EIR fails to address these impacts or to discuss the effect of alternative projects on these environmental impacts or mitigation measures to eliminate the impacts.

Impact of Reduced Water Supply Reliability on Local Resources. The CALFED Water Management Strategy is to address water supply reliability issues and is due to be released this fall, after the close of the public comment period on the Draft EIS/EIR. The June, 1999 Draft EIS/EIR fails to address the environmental impacts due to the CALFED Program not meeting the water supply reliability needs of areas exporting water from the Delta. Without an adequate and reliable supply of water from the Delta, the increased conservation and recycling efforts implemented as a result of CALFED actions will not result in water savings predicted by the plan due to the baseline water demand required by a growing population. Additionally, groundwater quality will degrade, and groundwater conjunctive use programs will diminish, without an adequate supply of reliable water from the Delta. The EIS/EIR must address these issues.

Increased Total Organic Compounds and Bromides in Drinking Water. The Ecosystem Restoration Program has the potential significant environmental impact of degrading drinking water supplies by increasing the total organic compounds and bromides in the Delta and thus, increasing the potential for the creation of disinfection by-products due to treatment. In combination with increasing drinking water standards, the preferred alternative will increase the cost and environmental impacts of treatment to meet drinking water standards. The EIS/EIR fails to discuss these impacts on drinking

water or to discuss alternatives or mitigation measures to eliminate or mitigate these impacts.

The failure of the EIS/EIR to address environmental impacts which are identified in the appendices, including the impact of alternatives and mitigation measures, renders the EIS/EIR inadequate. Municipal Water District of Orange County believes that these impacts must be addressed and either mitigated or dealt with by a findings of overriding considerations.

CALFED Commitments:

We in Orange County believe that in order to deliver the water supply and water quality to meet public needs, certain commitments must be included in the CALFED plan and memorialized in the Record of Decision. MWDOC has concerns that the preferred alternative does not accomplish the following:

1. **The water supply requirements of Orange County must be ensured:**
 - **We need a commitment that Banks Pumping Plant will be permitted to operate at 8,500 cfs in the first two years of Stage 1 and, that Banks permitted capacity will be at 10,300 cfs by the end of Stage 1.**

The CALFED EIS/EIR includes permitting the Banks Pumping Plant to operate up to 8,500 cfs with "appropriate constraints" and up to its full capacity of 10,300 cfs for operational flexibility "consistent with all applicable operational constraints". However, the definitions of "applicable constraints" and "consistent with all applicable operational constraints" are not included in the CALFED discussion. In addition, CALFED does not specify if the permitted pumping capacities will occur in Stage 1, when in Stage 1 or in Stage 2. CALFED must articulate, and receive stakeholder agreement, on any proposed changes to existing pumping restrictions and specify commitments to permit Banks pumping capacity to 8,500 cfs in the first two years of Stage ,1 increasing to 10,300 cfs by the end of Stage 1.

- **We need a commitment that the Preferred Alternative will result in Metropolitan receiving a minimum 650,000 AF firm dry-year yield from the SWP by 2020 (out of a total entitlement of 2.0 MAF).**

It is unclear whether this commitment can be fulfilled. CALFED's approach to water supply reliability is to develop a Water Management Strategy that is not a part of the

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EIS/EIR and will not be completed until later this year. CALFED must include this commitment in its Water Management Strategy by the ROD.

2. The financing must be identified to ensure implementation of the plan:

- **We need a commitment that statewide funding, including public funds and, federal funding will be provided for the environmental and recreational costs of the CALFED Solution. A broad based financing plan that includes state and federal funding to finance actions that provide public benefits must be included in the ROD. The financing plan must demonstrate that Stage 1 and long-term actions provide beneficial value for those who will be asked to pay, commensurate with their proportional cost share.**

A specific funding proposal for Stage 1 has yet to be developed. CALFED must develop a detailed funding package acceptable to state and federal agencies, and stakeholders prior to the ROD.

3. The water quality requirements of Orange County must be ensured:

- **We need a commitment that CALFED will deliver source water quality that allows water agencies to meet future federal and state drinking water regulations for public health protection with cost effective treatment technology.**

The proposed restoration of wetlands through the CALFED Ecosystem Restoration Program (ERP) may increase the total amount of total organic carbon (TOC) at drinking water intakes, increasing the potential to form disinfection by-products (DBP). Changing channel flows and increasing the amount of tidal waters exchanged with the estuary may increase the amount of bromide in Delta waters, significantly increasing DBP formation. CALFED appears to be breaking its solution principal that says the preferred solution will "result in no significant redirected impacts."

The CALFED Water Quality Program ignores seawater intrusion as a source of bromide. Water Quality Program actions are said to probably have minimal affect on the levels of bromide to the State Water Project. Note the disparity between this statement and the previous paragraph. On one hand, the ERP could degrade drinking water supplies and on the other hand, the water quality program does not include actions to mitigate ERP actions.

In addition to the commitment by CALFED that it will deliver source water quality that allows water agencies to meet future drinking water regulations, CALFED must provide assurances that Southern California will not receive degraded water quality as a result of CALFED actions in Stage 1. CALFED must commit to actions that improve source water quality from the Delta, over what exists today, to ensure water agencies can meet future state and federal drinking water quality regulations for public health protection with affordable treatment technology.

- **We need a commitment that CALFED will deliver water quality that meets 150 milligrams per liter total dissolved solids in order to enhance recycling in Southern California, and to promote and expand existing conjunctive use programs.**

CALFED's approach to total dissolved solids (TDS), conservation and recycling is circular in nature. CALFED says that demonstration towards meeting CALFED targets for conservation and recycling are prerequisites to considering storage and conveyance improvements. Yet, Stage 1 actions to address TDS are focused on San Joaquin Valley agricultural drainage issues which likely will have a minor impact on the State Water Project. And, seawater intrusion is not addressed by the Water Quality Program Plan. There are no Stage 1 actions specifically aimed at reducing TDS for exporters but lower TDS is required to increase water use efficiency.

CALFED must include water quality actions to deliver source water to exporters that meets 150 milligrams per liter TDS and include TDS reduction as one of the primary objectives of the water quality program.

These commitments are not Orange County's "wish list." Rather, they are the parameters by which Orange County will measure the success of CALFED. MWDOC and its member agencies continually make business decisions on the best and most cost-effective approaches to provide essential water supply services. We look to CALFED, as well as other alternatives, to help Orange County water agencies achieve their mission to provide safe, reliable, high quality water at an affordable cost to the consumers of Orange County. As such, our future participation in CALFED, or its alternatives, hinges on the best business decision that will result in meeting this mission.

Detailed Comments:

Attachment A contains detailed comments on the Draft CALFED EIS/EIR and is submitted for the record with this cover letter.

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Conclusion:

CALFED must incorporate commitments to Orange County in the ROD to meet our water supply reliability and water quality needs outlined above. In addition, CALFED must drastically change their philosophy regarding water quality. It is unacceptable for Orange County to potentially receive degraded water quality from the Delta as a result of CALFED actions in Stage 1, before CALFED makes future decisions to begin actions that may or may not reverse this trend. These two elements are imperative in the ROD in order to gain MWDOC's continued support of the CALFED Bay-Delta Program.

Sincerely,



Stanley E. Sprague
General Manger

cc: Board of Directors
Member Agency Managers
Metropolitan Water District of Southern California
Coastal Municipal Water District